

1                   So I said, "Fine," I said, "but frankly,  
2 let me tell you something the Governor may or may not  
3 know," so I went through my medical history. I don't  
4 want the Governor to make an appointment without him  
5 knowing. I told him, "I've got a monitor. I'm going  
6 to the doctor tomorrow morning. I should know  
7 something by nine o'clock."

8                   So that night basically what I did is I  
9 sat in my Florida room, closed the doors, and I just  
10 meditated, basically I prayed a little bit, to make a  
11 decision that I think was right for me and for my  
12 family.

13                  I talked to my son, who is 29, also  
14 practices law. And he asked me, he says, "Dad, do you  
15 really want this job?" He says, "If you want it we'll  
16 support you, but do you really want it?" And that  
17 really started my mind really thinking of what I wanted  
18 to do.

19                  He says, "If you don't want it, stay  
20 where you're at. Run for Mayor. If you don't want to  
21 run for Mayor, then you can stay where you're at, or  
22 you can come into practice with me and his stepdad."  
23 So that was another thing.

24                  But anyway, to make it short, I went to  
25 bed that night. Before I went to bed I told my wife, I

1 said, "I'm going to turn it down. That's my decision."  
2 I went to bed, woke up in the morning. My wife said,  
3 "How was your night?" That was the first night I've  
4 been able to sleep since this Harry Coe death and  
5 everything.

6 And she told me in the morning, said,  
7 "Well, maybe the man upstairs is trying to tell you  
8 something. Maybe the job ain't for you." So that  
9 morning I go to the doctor. I got clearance from the  
10 doctor. The monitor was positive. But on the way in I  
11 made a decision to call Frank Jimenez and tell him to  
12 tell the Governor to withdraw my name.

13 On Thursday -- on Wednesday night I get a  
14 call from the St. Pete Times about an e-mail that was  
15 sent by Judge Holder to the Governor on Friday about  
16 quote, "An investigation of judges who may be  
17 interested in the State Attorney's." That becomes  
18 public on Thursday. I had no knowledge of it until the  
19 St. Petersburg Times reporter advised me of it on  
20 Wednesday night.

21 And it's ironic, and, Jerry, since we met  
22 last time, I've done a little bit of independent  
23 investigation. It's ironic that on that Friday, the  
24 day after Harry Coe died, the day that Greg sends the  
25 e-mail to the Governor, I have found out today -- I had

1 found out about a week ago that he had told a -- the  
2 judge that we're talking about, Judge Bonanno, on that  
3 Friday, he says, "I haven't been able to see the chief,  
4 but tell the chief I'm trying to get him the  
5 appointment."

6 Q The indication was he was supporting you  
7 for State Attorney?

8 A That was the implication, but not  
9 according to the e-mail that he had sent to the  
10 Governor.

11 Q I understand. Who did that information  
12 come from, Judge?

13 A I had talked to Judge Bonanno about that.  
14 He told me that about a couple weeks ago.

15 Q Okay. All right.

16 A So that brings us through the e-mail and  
17 so forth that -- and that brings us, it would really  
18 bring us to the 24th when I had the meeting with  
19 Holder.

20 Q Now, the 24th is the meeting that is  
21 before the incident on the 27th.

22 A That was before the incident where me and  
23 Holder meet.

24 Q Y'all had a meeting because you needed to  
25 meeting to what?

1           A           We needed a meeting to air things out  
2 because the press was, you know, trying to put us at  
3 odds and so forth.

4           Q           Well, your reaction, if you're human, was  
5 probably not real pleasant or positive when you got  
6 that e-mail?

7           A           No, I was -- I was not -- I was not happy  
8 about it because I -- I considered Greg a close friend.  
9 And I was upset not with the fact that he sent the memo  
10 to the Governor telling him about this possible  
11 investigation that as of today, as of today as I sit  
12 here, I've not been advised by the JQC or anybody else  
13 that I am under investigation by the JQC.

14                   But anyway, I was upset by the mere fact  
15 that he didn't tell me what he did. So on the 24th we  
16 met and we aired things out. I said, "You know what's  
17 happening, we're putting a wedge between us. It's not  
18 good for the judiciary. It's not good for the  
19 perception that the public has of the judiciary." So  
20 basically we -- we decided to try to patch things up  
21 and to bring back the relationship that we had had in  
22 the past. And that was the 24th.

23           Q           How did you think the Governor's office  
24 knew to ask you about a JQC matter?

25           A           Well, the e-mail that Greg sent to the

1 Governor was sent somewhere about 7:30, eight o'clock  
2 in the morning. Now, the Governor had got that. But  
3 according to a copy of the e-mail that I received from  
4 the St. Pete Times, they gave me a copy of that e-mail,  
5 the Governor didn't send that to the General Counsel  
6 until sometime Friday afternoon. So unless a call was  
7 made or somebody called and advised Frank Jimenez of  
8 that, that's the only way I could figure it out, Jerry.  
9 Because me and Frank --

10 Q Were you surprised that the Governor's  
11 office was asking you something about a JQC that I  
12 don't know if you knew about or not? I'm not sure on  
13 that. Did you know at that point that there was  
14 something kicking around involving your name with JQC?

15 A Oh, yeah.

16 Q Okay. All right.

17 A There had been a rumor going around --

18 Q Okay.

19 A -- that they were looking at how I  
20 handled the Ed Ward thing.

21 Q So you weren't particularly surprised  
22 when the Governor said --

23 A No, no, no surprise at all.

24 Q Okay. All right. And I want to make  
25 sure we cover everything, but I just want to nail down

1 a couple of things. During this period of time if you  
2 had made these changes, obviously your position would  
3 be open?

4 A Right.

5 Q And you've covered that. Judge Padgett  
6 would assume that until such time as an election would  
7 be held?

8 A An election, right.

9 Q Was Judge Holder interested in being  
10 Chief Judge, to your knowledge?

11 A To my knowledge, well, I think I called  
12 you about the conversation that a friend of mine had  
13 with a friend of his at a golf tournament. You know,  
14 to my knowledge at that point, no. Since then I found  
15 out that he was interested in taking my job.

16 Q At that time was Judge Bonanno interested  
17 in being Chief Judge?

18 A Yes.

19 Q And had he made it known that he was  
20 interested?

21 A As I understand he went around trying to  
22 drum up support to get elected Chief Judge.

23 Q Was Judge Ficarrotta supporting Judge  
24 Bonanno in that bid for --

25 A Yeah.

1 Q -- potential bid for Chief Judge?

2 A Uh-huh. In fact, I think Judge  
3 Ficarrotta spoke to Judge Holder about supporting Judge  
4 Bonanno.

5 Q And what was Judge Holder's response to  
6 that?

7 A I think he told Judge Ficarrotta, he  
8 says, you know, he says, "I've always looked at you for  
9 replacing the chief after he left. I don't think I can  
10 support Bonanno," was what was told to me.

11 Q I would assume that that rather quickly  
12 got back to Judge Bonanno?

13 A Probably.

14 Q And do you and Judge Bonanno speak if not  
15 on a daily basis, almost a daily basis?

16 A Yeah, we speak almost, almost on a daily  
17 basis.

18 Q You're personal friends?

19 A Oh, yeah, my former law partner. I met  
20 Judge Bonanno, he was in pharmacy school with my  
21 brother up at the University of Florida. That's where  
22 I met Judge Bonanno.

23 Then when I started working for the State  
24 Attorney's Office, I was assigned to him as an intern.  
25 And then after he left a year and a half later is when

1 I left the State Attorney's Office, and we became law  
2 partners.

3 Q What was Judge Bonanno's reaction to  
4 Judge Holder's observation?

5 A I don't know, Jerry. I don't think I --  
6 I think he -- he -- down deep I think he expected it.  
7 I mean, I don't think they were enemies, but I know  
8 they weren't friends.

9 Q What is Judge Holder's general reputation  
10 amongst the judiciary? And that's pretty broad, and I  
11 want to know if it's good, it's bad, but if he's got a  
12 reputation for, if there's anything the Grand Jury  
13 ought to know?

14 A Well, I think he is a grandstander. He's  
15 been perceived as a leak to the media. He likes the  
16 limelight. That's -- anytime Judge Holder's seen  
17 talking to a reporter from the news media, a day or two  
18 later there will be a story in the newspaper.

19 He would be quoted in matters that don't  
20 have to do with his division or outside of his area as  
21 to which he's assigned. But he's -- he is considered  
22 the leak of the courthouse.

23 Q How would you describe the relationship  
24 between Judge Bonanno and Judge Holder?

25 A I would call it basically a cordial



1 relationship. I think they probably deal with each  
2 other because they have to. It's not where they  
3 socialize with each other, or they go have lunch or go  
4 have coffee or anything like that. I think it's --  
5 it's just basically he's -- they are colleagues to each  
6 other.

7 Q Well, at some point after the word gets  
8 back to Judge Bonanno that Judge Holder just isn't  
9 going to support him; in fact, I think maybe the  
10 response was, "When cows fly"?

11 GRAND JUROR: Pigs fly.

12 BY MR. HILL (resuming):

13 Q Pigs, cows, neither one of them are going  
14 to fly. You're right, thank you. That certainly did  
15 nothing to warm that relationship or to make it more  
16 positive?

17 A No. No. I -- like I said, it was just a  
18 cordial relationship. I was not aware, Jerry, of any  
19 run-in's that Bob or Greg had with each other. If  
20 there was any run-in's that's unknown to me.

21 Q At that point in time who else had  
22 indicated that they were going to put their hat in the  
23 ring for Chief Judge?

24 A There had been talk of Bob Simms maybe  
25 being interested. But Bob had always been very, very

1 up front with people. He said as long as I wanted to  
2 run for Chief Judge he would support me.

3 Judge Padgett had wanted it. There was  
4 Judge Behnke who might be interested in it. But  
5 basically when it came down to it, other than Judge  
6 Ficarrota and Judge Bonanno, I don't think there was  
7 another judge in the circuit that I could tell you that  
8 had enough votes to win it.

9 Q Which Judge Ficarrota are we talking  
10 about?

11 A Gaspar. I think other than those two  
12 they would not have run unopposed like I have. But I  
13 think they had 25 judges who would support them. But  
14 they would win if there was an election for Chief Judge  
15 without a doubt.

16 Q How often have you known of Judge Bonanno  
17 using his key to access other judges' offices after  
18 five o'clock in the afternoon?

19 A Jerry, the only time I'm aware of it is  
20 on that day, the 27th, that he walked into Judge  
21 Moody's office. You know, I've never asked him, just  
22 it's, you know --

23 Q When is the last time you used your key  
24 to access another judge's office after five o'clock?

25 A I don't think I ever have. I'm not sure.

1           Q       Why not? Just uncomfortable doing it  
2 or --

3           A       No, I don't think I've gone to, you know,  
4 to another judge's after five o'clock. If I've gone  
5 the door has been open or whatever, I've walked in and  
6 nobody's there and I've left. But I don't recall ever  
7 using a key.

8                   I think I told you, I leave my keys in  
9 the car hoping that -- and I've got a padlock in my  
10 office. So when I get to my office, I walk through the  
11 Court Administrator's office, use a padlock, and I get  
12 in my office.

13                   If security the night before has closed  
14 the doors to my inner offices, all right, and my J.A.  
15 or my bailiff is not there, then I normally have to  
16 walk back to my car, get my key and open it. But other  
17 than that, I've never used the keys to get into  
18 anybody's office.

19           Q       We're going to bounce around a little  
20 bit --

21           A       Okay.

22           Q       -- and go back and pick some things up.

23           A       Yes.

24           Q       Tell the Grand Jury why Judge Bonanno  
25 told you he was in Judge Holder's office.

1           A           He had told me -- when I got the e-mail  
2 from Greg on that Thursday, the 27th, he must have sent  
3 the e-mail 7:30, eight o'clock. I got home about  
4 11:30, 11:15. And I went to check my e-mails and I had  
5 seen this, you know.

6                   I think you've seen the e-mail. "What is  
7 Bobby B. up to? Or do you know, or will you tell me,  
8 or do I have to ask him?" I didn't like the tone of  
9 that. But anyway, I called Bob at home and I said, you  
10 know, excuse me, I said, "Bob, what have you done to  
11 piss Holder off?" you know.

12                   He says, "What do you mean?" I said, "I  
13 got these e-mails about going in his office, this,  
14 that, and the other." He told me, he says, "I went to  
15 see him. He wasn't in." He had told me he had gone to  
16 see him about this Barbas case, Barbas file, that --  
17 and I --

18           Q           It's fairly important. Is that --

19           A           Yes.

20           Q           -- is that what he told you he went to  
21 see him about?

22           A           He went to see him about the Barbas file,  
23 and he also mentioned to see if we could, you know,  
24 keep these problems that had been in the media between  
25 me and Greg to a minimum or keep them out of the media.

1                   Talked to him briefly that night, and  
2 then we talked, I think, the next day and probably over  
3 the weekend. But I know he mentioned to me the Barbas  
4 file without a doubt.

5           Q           What about to give him some statistics?

6           A           You know, we had talked, Jerry, about  
7 statistics, that he was handing out statistics, that he  
8 had dropped statistics off in Moody's office, he had  
9 dropped them off in Gaspar's office. But looking at it  
10 now, I don't think he would give Greg statistics  
11 because they were in different divisions.

12          Q           And had been for at least six months; --

13          A           Yes.

14          Q           -- is that right?

15          A           Because Greg had been, I think, in May or  
16 February I had put Greg in -- he had volunteered to go  
17 to Family Law.

18          Q           So the night you talked to him he gave  
19 you, and correct me if I'm wrong, he gave you one  
20 reason or two reasons for being in that office?

21          A           I know -- I know that Barbas -- the  
22 Barbas case was mentioned.

23          Q           That night?

24          A           You know, Jerry, I've gone back and I've  
25 tried to remember if it was that night or if it was the

1 next day or --

2 Q Well, with certainty that night he said  
3 it was to discuss relationships and see if he could  
4 repair them?

5 A Yeah.

6 Q That we're certain of?

7 A I'm sure, I'm pretty certain of that.

8 And I'm pretty certain about the Barbas file.

9 Q You're less certain, though. It could  
10 have been the next day that the Barbas file --

11 A It could have been the next day, yeah.  
12 I'm not, you know -- again, I tried to remember exactly  
13 what he told me that night. I'm not --

14 Q Did he tell you how long he had remained  
15 in that office?

16 A He told me he walked in, called his name,  
17 this, that, and the other, didn't hear anything. He  
18 was walking through his office and through his hearing  
19 room, and he doesn't answer. That on the way when he  
20 was leaving he noticed a picture on the wall.

21 Q If he was going through his hearing  
22 room -- are you familiar with Judge Holder's layout?

23 A Yeah.

24 Q If he was going through his hearing room  
25 to exit, which way would he have exited?

1           A           Well, he could have exited either through  
2 the front or through the side door.

3           Q           Well, actually there's a total of four  
4 different doors in that office. We know he came into  
5 the one next to Gaspar Ficarrotta's. Is that --

6           A           That's -- I'm assuming that's the same  
7 door he would exit, off the hallway right next to  
8 Gaspar's office.

9           Q           Well, if he's doing that, he opens that  
10 door, and I just need your help with this, and he  
11 yells -- I don't know why I can't remember Judge  
12 Holder's first name today.

13          A           Greg.

14          Q           -- "Greg?" and gets no response, maybe he  
15 yells it twice, then why would he go into his hearing  
16 room, which is a different room than the one he just  
17 opened?

18          A           Uh-huh.

19          Q           Why would he not turn around and close  
20 the door?

21          A           I don't know. I don't know. But looking  
22 at it, if he walked in, this is the door where I'm at  
23 here off of the hallway from Judge Ficarrotta's. As I  
24 remember, you walk in this way it would be Greg's  
25 office, and then you walk through another door would be